

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

IN RE: Robert Dale Pleasant
Janie Davis Pleasant
Debtors

Case No. 2:24-bk-51166-RRM
Chapter 13

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Notice is hereby given that:

Pursuant to E.D. Tenn. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at U.S. Bankruptcy Court, 220 W. Depot Street, Suite 218, Greeneville, TN 37743-, an objection within thirty (30) days from the date this paper was filed and serve a copy on the Chapter 13 Trustee, PO Box 59030, Knoxville, TN 37950 and on the debtor(s)' attorney T. Wood Smith, Attorney at Law, 206 South Irish Street, Greeneville, TN, 37743-. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

**OBJECTION BY CHAPTER 13 TRUSTEE TO CLAIM
FILED BY CACH, LLC, C/O RESURGENT CAPITAL SERVICES (#05)**

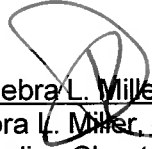
Comes now the Chapter 13 Trustee and hereby objects to claim number 5 filed by CACH, LLC c/o Resurgent Capital Services in the amount of \$624.08. As grounds and in support of relief sought in this objection, it is respectfully submitted as follows:

1. On its face, the claim and attachments do not reflect a collection date within six (6) years of the petition date. Collection on this claim is therefore time barred because of the applicable statute of limitations (T.C.A. 28-3-109). This claim is unenforceable against the Debtors and property of the Debtors pursuant to 11 U.S.C. § 502(b)(1).
2. Documentation filed with the proof of claim shows the last payment date of October 18, 2012.

WHEREFORE, the Chapter 13 Trustee respectfully requests claim number 5 filed by CACH, LLC c/o Resurgent Capital Services in the amount of \$624.08 be disallowed in its entirety; and, without prejudice as to any future motion(s) and/or adversary proceedings for turnover of any funds paid to date on said claim.

SUBMISSION AND CERTIFICATE OF SERVICE BY CHAPTER 13 TRUSTEE

Based on information and belief, the Chapter 13 Trustee hereby certifies the correctness of the facts contained in this Objection, Notice and Proposed Order and hereby certifies that a true and exact copy of the same has been serviced by Electronic Case Filing (ECF) and/or by first class United States Mail (USM) postage prepaid on the following individuals as addressed below this 2 day of April, 2025.


s/ Debra L. Miller, Trustee
Debra L. Miller, #19656-49 IN
Standing Chapter 13 Trustee
PO Box 59030
Knoxville, TN 37950
(865) 524-4995

Robert Dale Pleasant (USM)
Janie Davis Pleasant
101 B Easterly Lane
Greeneville, TN 37743

T. Wood Smith (ECF)
Attorney at Law
Debtor(s)' Attorney

Tiffany Dilorio (ECF)
U.S. Trustee's Office

CACH, LLC (USM)
c/o Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Fill in this information to identify the case:

Debtor 1 ROBERT DALE PLEASANT

Debtor 2 JANIE DAVIS PLEASANT
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN District of TN
(State)

Case number 24-51166

Official Form 410

Proof of Claim

12/24

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>CACH, LLC</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. From whom? <u>Capital One, N.A.</u>	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Resurgent Capital Services</u> Name <u>PO Box 10587</u> Number Street <u>Greenville, SC 29603-0587</u> City State ZIP Code Contact phone <u>(877) 264-5884</u> Contact email <u>askbk@resurgent.com</u> Uniform claim identifier (if you use one): <u>RSG-00248-653764740</u>	Where should payments to the creditor be sent? (if different) _____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>5913</u> <u> </u> <u> </u> <u> </u>
7. How much is the claim?	<u>\$ 624.08</u> Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Credit Card</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(3) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 11/27/2024
MM / DD / YYYY

/s/ David Lamb

Signature

Print the name of the person who is completing and signing this claim:

Name	<u>David Lamb</u>		
	First name	Middle name	Last name
Title	<u>Claims Processor</u>		
Company	<u>Resurgent Capital Services</u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>PO Box 10587</u>		
	Number	Street	
	<u>Greenville, SC 29603-0587</u>		
	City	State	ZIP Code
Contact phone	<u>(877) 264-5884</u>		Email <u>askbk@resurgent.com</u>